In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 17187 of 2006

Date of Decision: 31.10.2006

Avtar Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. S.K. Sharma, Advocate
for the petitioner.

...

J.S. Khehar, J. (Oral).

Learned counsel for the petitioner states, that the departmental proceedings initiated by the respondents, have since been concluded, whereupon, the punishing authority has inflicted the punishment of 1% cut in pension, payable to the petitioner.

Learned counsel for the petitioner states, that despite the aforesaid punishment having been imposed on the petitioner, the remaining retiral benefits have not been paid to him. On the issue in hand, the petitioner is stated to have issued a legal notice dated 13.10.2006 (Annexure P-5). It is, however, pointed out, that no decision has been taken thereon till date.

Learned counsel for the petitioner states, that the petitioner

will be satisfied, if the instant writ petition is disposed of with a direction to respondent No.2 i.e. the District & Sessions Judge, Ludhiana, requiring him to take a final decision on the aforesaid legal notice dated 13.10.2006 (Annexure P-5).

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.2 i.e. the District & Sessions Judge, Ludhiana, to take a final decision on the legal notice dated 13.10.2006 (Annexure P-5) by passing a well reasoned speaking order, within three months from the date of receipt of a certified copy of this order. In case, the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to him within a further period of one month.

Disposed of accordingly.

Order dasti on payment of usual charges.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

31.10.2006
sk.